

HOUSE BILL NO. 555

BY REPRESENTATIVE ROSALIND JONES

AN ACT

To amend and reenact R.S. 14:67(B), 67.2(B)(1), (2), and (3), 67.5(B), 67.10(B)(1), (2), and (3), 67.13(B), 67.18(B), 67.21(C)(1), (2), and (3), 67.23(C), 67.26(C), 68.2(C), 68.7(B)(1), 69(B)(1), (2), and (3), 70.2(C)(2), (3), and (4), 70.4(E)(1), (2), and (3), and 71(C), (D), and (E), relative to offenses involving misappropriation without violence; to provide for a uniform system of gradations based upon the value of the goods taken for certain offenses involving theft or misappropriation without violence; to provide with respect to criminal penalties for certain offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:67(B), 67.2(B)(1), (2), and (3), 67.5(B), 67.10(B)(1), (2), and (3), 67.13(B), 67.18(B), 67.21(C)(1), (2), and (3), 67.23(C), 67.26(C), 68.2(C), 68.7(B)(1), 69(B)(1), (2), and (3), 70.2(C)(2), (3), and (4), 70.4(E)(1), (2), and (3), and 71(C), (D), and (E) are hereby amended and reenacted to read as follows:

§67. Theft

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B.(1) Whoever commits the crime of theft when the misappropriation or taking amounts to a value of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(2) When the misappropriation or taking amounts to a value of ~~three~~ five hundred dollars or more, but less than a value of one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years, or may be fined not more than two thousand dollars, or both.

(3) When the misappropriation or taking amounts to less than a value of ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months, or may be fined not more than one thousand dollars, or both. If the offender in such cases has been convicted of theft two or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both.

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§67.2. Theft of animals

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B.(1) Whoever commits the crime of theft of animals, when the misappropriation or taking amounts to a value of one thousand five hundred dollars or more, shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(2) When the misappropriation or taking amounts to a value of ~~three~~ five hundred dollars or more, but less than a value of one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years or may be fined not more than two thousand dollars, or both.

(3) When the misappropriation or taking amounts to less than a value of ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than five hundred dollars, or both. If the offender in such a case has been convicted of misdemeanor theft of an animal two or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years or may be fined not more than one thousand dollars, or both.

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§67.5. Theft of crawfish; penalty

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B.(1) Whoever commits the crime of theft of crawfish when the misappropriation or taking amounts to a value of one thousand five hundred dollars

1 or more shall be imprisoned, with or without hard labor, for not more than ten years
2 or may be fined not more than three thousand dollars, or both.

3 (2) When the misappropriation or taking amounts to a value of ~~three~~ five
4 hundred dollars or more, but less than a value of one thousand five hundred dollars,
5 the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~
6 five years or may be fined not more than two thousand dollars, or both.

7 (3) When the misappropriation or taking amounts to less than a value of
8 ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six
9 months or may be fined not more than five hundred dollars, or both. If the offender
10 in such cases has been convicted of theft of crawfish one or more times previously,
11 upon any subsequent conviction he shall be imprisoned, with or without hard labor,
12 for not more than ten years or may be fined not more than three thousand dollars, or
13 both.

14 * * *

15 §67.10. Theft of goods

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17 B.(1) Whoever commits the crime of theft of goods when the
18 misappropriation or taking amounts to a value of one thousand five hundred dollars
19 or more shall be imprisoned, with or without hard labor, for not more than ten years
20 or may be fined not more than three thousand dollars, or both.

21 (2) When the misappropriation or taking amounts to a value of ~~three~~ five
22 hundred dollars or more, but less than a value of one thousand five hundred dollars,
23 the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~
24 five years or may be fined not more than two thousand dollars, or both.

25 (3) When the misappropriation or taking amounts to less than a value of
26 ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six
27 months or may be fined not more than five hundred dollars, or both. If the offender
28 in such cases has been convicted of theft or theft of goods two or more times
29 previously, upon any subsequent conviction he shall be imprisoned, with or without

1 hard labor, for not more than two years or may be fined not more than one thousand
2 dollars, or both.

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4 §67.13. Theft of an alligator

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6 B.(1) Whoever commits the crime of theft of an alligator when the
7 ~~misappropriation~~ misappropriation or taking amounts to a value of one thousand five
8 hundred dollars or more shall be imprisoned, with or without hard labor, for not more
9 than ten years, or may be fined not more than three thousand dollars, or both.

10 (2) When the misappropriation or taking amounts to a value of ~~three~~ five
11 hundred dollars or more, but less than a value of one thousand five hundred dollars,
12 the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~
13 five years or may be fined not more than two thousand dollars, or both.

14 (3) When the misappropriation or taking amounts to less than a value of
15 ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six
16 months or may be fined not more than five hundred dollars, or both. If the offender
17 in such cases has been convicted of theft of an alligator two or more times
18 previously, upon any subsequent conviction he shall be imprisoned, with or without
19 hard labor, for not more than two years or may be fined not more than one thousand
20 dollars, or both.

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22 §67.18. Cheating and swindling

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24 B.(1) Whoever violates the provisions of this Section when the value of such
25 money or property or combination thereof or reduced or increased wager amounts
26 to a value of one thousand five hundred dollars or more shall be imprisoned, with or
27 without hard labor, for not more than ten years, or may be fined not more than three
28 thousand dollars, or both.

29 (2) When the value of such money or property or combination thereof or
30 reduced or increased wager amounts to a value of ~~three~~ five hundred dollars or more,

1 but less than a value of one thousand five hundred dollars, the offender shall be
2 imprisoned, with or without hard labor, for not more than ~~two~~ five years, or may be
3 fined not more than two thousand dollars, or both.

4 (3) When the value of such money or property or combination thereof or
5 reduced or increased wager amounts to less than a value of ~~three~~ five hundred
6 dollars, the offender shall be imprisoned for not more than six months, or may be
7 fined not more than five hundred dollars, or both. If the offender in such cases has
8 been convicted of cheating and swindling two or more times previously, upon any
9 subsequent conviction he shall be imprisoned, with or without hard labor, for not
10 more than two years, or may be fined not more than two thousand dollars, or both.

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12 §67.21. Theft of the assets of an aged person or disabled person

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14 C.(1) Whoever commits the crime of theft of the assets of an aged person or
15 disabled person when the value of the theft equals one thousand five hundred dollars
16 or more may be imprisoned, with or without hard labor, for not more than ten years
17 and shall be fined not more than three thousand dollars, or both.

18 (2) Whoever commits the crime of theft of the assets of an aged person or
19 disabled person when the value of the theft equals ~~three~~ five hundred dollars or more,
20 but less than one thousand five hundred dollars may be imprisoned, with or without
21 hard labor, for not more than ~~two~~ five years and shall be fined not more than two
22 thousand dollars, or both.

23 (3) Whoever commits the crime of theft of the assets of an aged person or
24 disabled person when the value of the theft equals ~~three~~ five hundred dollars or less
25 may be imprisoned for not more than six months and shall be fined not more than
26 five hundred dollars, or both.

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§67.23. Theft of a used building component; penalties

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C.(1) Whoever commits the crime of theft of a used building component, when the theft or taking amounts to a value or replacement value, whichever is greater, of one thousand five hundred dollars or more shall be fined not more than three thousand dollars, imprisoned with or without hard labor for not more than ten years, or both.

(2) When the theft or taking amounts to a value or replacement value, whichever is greater, of ~~three~~ five hundred dollars or more, but less than a value of one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years, or may be fined not more than two thousand dollars, or both.

(3)(a) When the theft or taking amounts to a value or replacement value, whichever is greater, of less than ~~three~~ five hundred dollars, the offender shall be imprisoned, for not more than six months, or may be fined not more than five hundred dollars, or both.

(b) In a case provided for in Subparagraph (a) of this Paragraph, if the offender has been convicted two or more times previously of a theft or taking which, on each previous occasion, amounted to a value or replacement value, whichever is greater, of less than ~~three~~ five hundred dollars, he shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both.

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§67.26. Theft of a motor vehicle

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C.(1) Whoever commits the crime of theft of a motor vehicle when the misappropriation or taking amounts to a sum of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(2) Whoever commits the crime of theft of a motor vehicle when the misappropriation or taking amounts to a sum of ~~three~~ five hundred dollars or more but less than one thousand five hundred dollars shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years, or may be fined not more than two thousand dollars, or both.

(3) Whoever commits the crime of theft of a motor vehicle when the misappropriation or taking amounts to a sum of less than ~~three~~ five hundred dollars shall be imprisoned for not more than six months, or may be fined not more than one thousand dollars, or both.

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§68.2. Unauthorized use of food stamp coupons, food stamp authorization cards, or food stamp access devices

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C.(1) Whoever commits the crime of unauthorized use of food stamp coupons, food stamp authorization cards, or food stamp access devices when the coupons, authorization cards, or access devices amount to a value of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(2) When the coupons, authorization cards, or access devices amount to a value of ~~three~~ five hundred dollars or more, but less than one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years or may be fined not more than two thousand dollars, or both.

(3) When the coupons, authorization cards, or access devices amount to less than a value of ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than five hundred dollars, or both.

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§68.7. Receipts and universal product code labels; unlawful acts

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B.(1) Except as provided in Paragraphs (3) and (4) of this Subsection, whoever violates the provisions of this Section shall be subject to the following penalties:

(a) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, equals one thousand five hundred dollars or more, imprisonment, with or without hard labor, for not more than ten years, or a fine not to exceed three thousand dollars, or both.

(b) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, equals ~~three~~ five hundred dollars or more but less than one thousand five hundred dollars, imprisonment, with or without hard labor, for not more than ~~two~~ five years or a fine of not more than two thousand dollars, or both.

(c) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, is less than ~~three~~ five hundred dollars, imprisonment for not more than six months, or a fine not to exceed five hundred dollars, or both. If a person is convicted of violating the provisions of this Section in a manner consistent with this Subparagraph two or more times previously, upon any subsequent conviction, he shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both.

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§69. Illegal possession of stolen things

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B.(1) Whoever commits the crime of illegal possession of stolen things, when the value of the things is one thousand five hundred dollars or more, shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(2) When the value of the stolen things is ~~three~~ five hundred dollars or more, but less than one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years, or may be fined not more than two thousand dollars, or both.

(3) When the value of the stolen things is less than ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than one thousand dollars, or both. If the offender in such cases has been convicted of receiving stolen things or illegal possession of stolen things two or more times previously, upon any subsequent conviction, he shall be imprisoned, with or without hard labor, for not more than two years or may be fined not more than two thousand dollars, or both.

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§70.2. Refund or access device application fraud

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(2) Whoever commits the crime of access device application fraud when the misappropriation or taking amounts to a value of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(3) When the misappropriation or taking amounts to a value of ~~three~~ five hundred dollars or more, but less than a value of one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years or may be fined not more than two thousand dollars, or both.

(4) When the misappropriation or taking amounts to less than a value of ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than five hundred dollars, or both. If the offender in such cases has been convicted of theft two or more times previously, upon any

subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years or may be fined not more than one thousand dollars, or both.

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§70.4. Access device fraud

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E.(1) A person who commits the crime of access device fraud when the misappropriation or taking amounts to a value of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or fined not more than five thousand dollars, or both.

(2) When the misappropriation or taking amounts to a value of at least ~~three~~ five hundred dollars, but less than a value of one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~three~~ five years or fined not more than three thousand dollars, or both.

(3) When the misappropriation or taking amounts to a value of less than ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or fined not more than five hundred dollars, or both.

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§71. Issuing worthless checks

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C. Whoever commits the crime of issuing worthless checks, when the amount of the check or checks is one thousand five hundred dollars or more, shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

D. When the amount of the check or checks is ~~three~~ five hundred dollars or more, but less than one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years or may be fined not more than two thousand dollars, or both.

E. When the amount of the check or checks is less than ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than five hundred dollars, or both. If the offender in such cases has

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GOVERNOR OF THE STATE OF LOUISIANA

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